



TESTIMONY OF  
TOY INDUSTRY ASSOCIATION (TIA)

*SUBMITTED TO*

**MICHIGAN STATE HOUSE**  
COMMITTEE ON GREAT LAKES AND ENVIRONMENT  
ON HOUSE BILLS NO. 4763, 4764, 4765, 4766, 4767, 4768, 4769

**CHILDREN'S SAFE PRODUCTS ACT**

APRIL 22, 2009

[www.toyassociation.org](http://www.toyassociation.org)

Good afternoon. I am Joan Lawrence, Vice President, Standards and Government Affairs for the Toy Industry Association (TIA). TIA is a not-for-profit trade association composed of more than five hundred (500) members, both large and small in size, located throughout North America.

Toy Industry Association and its members have long been leaders in toy safety. In this role, we develop safety standards for toys, working with industry, government, medical and child development experts and consumer organizations. I serve as Chair of the ASTM International standards development committee that oversees the ongoing evaluation and development of our US standards for toys. The U.S.'s risk-based standards are widely used as models around the globe. TIA also serves to educate industry on these standards so that they comply and educate parents and caregivers on choosing appropriate toys and ensuring safe play.

I would like to address the Committee today on House Bill Nos. 4763 through 4769 which propose to create a mechanism to list chemicals of "concern" and of "highest" concern, as determined by the State Department of Environmental Quality, and requires manufacturers and distributors of children's products to report the substances in their products for public posting and eventual abandonment of those substances.

First let me say, TIA commends the bill sponsors for their keen interest in the safety of children. We share that interest, indeed, our industry is founded on the mission of

bringing fun and joy to children's lives – and in that pursuit protecting the safety of our young consumers is our top priority. However, we have concerns regarding the legislation as it does not consider the existing robust safety system for toys sold in this country – including federal regulation and international standards and it creates unnecessary burden on companies doing business in Michigan with arguably no measurable increase in safety. It further will burden the State to implement a chemical reporting system at a time when resources are scarce.

Toys sold in the U.S. are subject to an existing robust regulatory system and must comply with a comprehensive list of federal regulations including the Consumer Product Safety Act (CPSA), the Child Safety Protection Act (CSPA), the Federal Hazardous Substances Act (FHSA), the ASTM Safety Specification on Toys (and which was adopted as a federal standard on February 10, 2009), the Toxic Substances Control Act (TSCA, and which will already be updated by Congress this year), as well as the many provisions added under the comprehensive Consumer Product Safety Improvement Act (CPSIA) signed by Congress in 2008. Under this network of requirements, it is illegal to sell toys or children's products containing various substances known to be harmful to children and to which children might be exposed.

Notwithstanding the robust toy safety system currently in place, collectively these bills seek to establish a mechanism by which the state must compile and list chemicals of concern, without regard to accessibility or risk within a product. Levels for substances that are inconsistent with international, federal or other state requirements, without regard

to accessibility or health hazard, make compliance difficult and costly and will likely threaten the viability of toy manufacturers, distributors and retailers in the State.

Policies that seek to restrict the use of certain chemicals or products must be based on credible, risk-based science and should include consideration of the level of exposure. No clear recognition of risk or exposure is included in the bills. The bill does not establish a limit for the substances, above which there is “concern.” In addition, it allows the Department of Environmental Quality to classify chemicals for which there are “insufficient credible scientific data” as “chemicals of concern”. Without a risk-based approach, you may end up pushing companies from substances with a demonstrated safety record as used in the product --- to less known alternative substances.

The current strict U.S. regulations contain regulatory mechanisms to ensure the safety of the chemicals used in toys and other consumer products. This system relies on a variety of sources and processes to review relevant scientific information and make recommendations on the appropriate public policy based on science to reduce potential harm. A parallel effort by the State of Michigan would burden state resources and lead to additional burdens on business to comply. These burdens can be substantial. For example, other states have taken on such initiatives at great cost (department resources of time and money) of implementation to the state. The legislation further calls on the Department to revise the list of chemicals periodically (at least every two years) but it makes no allowances for a process for establishing such regulations and whether there will be stakeholder input in the listing (or de-listing) of substances.

The added costs to Michigan businesses include, but are not limited to, additional testing of products specific for Michigan requirements only (that have been tested under federal law for sale elsewhere in the US), reporting of product content, and potential loss of business with these increased burdens and the likelihood that Michigan consumers would need to source products outside the State – or go without.

As an industry, we understand the concern over recent recalls for lead-in-paint on toys. Since the first recalls were announced in the Summer of 2007, we have been working as an industry to repair this lapse in our otherwise strong toy safety assurance system. We have been recognized by members of the U.S. Senate for our efforts to address this issue head on. We are pleased to report that there are some aggressive initiatives already in the works, in addition to federal legislation that would serve to strengthen the system on a national level, and I believe address your concerns. Consideration of this federal legislation is underway and we urge Michigan to consider aligning itself with the federal approach. We support strong regulations for toys but they must be risk-based and national in scope to allow for consistently safe products no matter where consumers shop.

Toy Industry Association and its members have always recognized the special relationship we have with children, who are our principal consumers; their safety and well-being is always our top priority. As parents ourselves and an industry devoted to bringing joy (and safety) to childhood, we share your interest in the safety of toys and we urge you to carefully consider the unintended consequences of the provisions proposed in this legislation and how this bill will hurt those doing business in Michigan, and force

Michigan consumers to source products through other means, at no measurable increase to product safety.

On behalf of the members of Toy Industry Association, thank you for allowing me to submit testimony today. I would be happy to talk with any members of the Michigan legislature further on the details of these national and international initiatives and legislation and I offer TIA as a resource in this area. It is in all of our interests to protect the safety of our youngest consumers.